

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

GALVESTON DIVISION

UNITED STATES OF AMERICA

v.

CARLOS ALBERTO GUAJARDO, ET AL.

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CRIMINAL NUMBER: G-18-22

GOVERNMENT'S MOTION TO DISCLOSE DISCOVERY AND CONTENT OF
INFORMATION OBTAINED DURING INTERCEPTION OF WIRE AND ELECTRONIC
COMMUNICATIONS AND OTHER DISCOVERABLE MATERIAL PURSUANT TO
PROTECTIVE ORDER

COMES NOW the United States of America through Ryan K. Patrick, United States Attorney, and Kenneth Cusick, Assistant United States Attorney, and requests the Court permit the disclosure of discoverable information and content obtained during the intercept of wire and electronic communications pertaining to the above referenced cause and all other discoverable material pursuant to a protective order restricting disclosure consistent with this motion.

Title 18, United States Code, Section 2511(1)(c)-(e) prohibits any person from disclosing or using the contents of intercepted communications, except as specifically provided by law. Subsection (e) further prohibits disclosures of intercepted communications received in connection with a criminal investigation and with intent to obstruct, impede, or interfere with a criminal investigation. Title 18, United States Code, Section 2518 (8)(b) states that applications made and orders granted shall be sealed, and disclosed only upon a showing of good cause. Therefore, THE GOVERNMENT FURTHER REQUESTS that the content of any applications, affidavits, orders, reports, and other documents related to this matter, and the contents of any duplicate recordings of

the intercepted conversations and transcripts of intercepted conversations made in connection with this case now be authorized to be made available by the United States to the defendants and their attorneys in discovery, but that this material not be discussed with or disclosed to anyone other than the named defendants and their counsel, or the staff of their counsel (full-time assistants and attorneys formally associated with the law firm), except upon the express authorization of this Court, and that under no circumstance should copies be provided to any defendant or left at the detention facility for their review. At the conclusion of each defendant's case, the Government also requests that the Court order the respective attorney to return the materials provided by the Government to the undersigned Assistant United States Attorney.

THE GOVERNMENT FURTHER REQUESTS the above-mentioned applications, affidavits, court orders, and reports, as well as the contents of duplicate recordings and transcripts made therefrom, remain sealed.

Respectfully submitted,

RYAN K. PATRICK
UNITED STATES ATTORNEY

By: 

KENNETH A. CUSICK
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Southern District No. 14426
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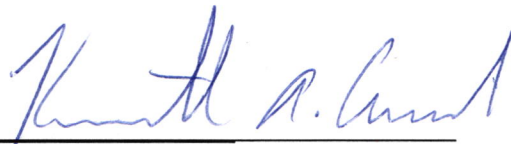
CERTIFICATE OF SERVICE AND CONSULTATION

I, Kenneth A. Cusick, Assistant United States Attorney, hereby certify that I have contacted each of the attorneys listed below and provided a copy of this Disclosure Motion and Protective Order, and proposed Order for their review. Further I requested each of their positions as to this motion on or before April 11, 2019, and included the responses below as well.

<u>Defendant</u>	<u>Attorney</u>	<u>Defense Position</u>
1. Carlos Guajardo		Fugitive
2. Erika Guajardo	Matthew Leeper III	Unopposed
3. Cristian Guajardo	Stephen C. Martin	Unopposed
4. Abel Longorria-Pena	Mark Diaz	Unopposed
5. Eloy Gonzalez	Dorian Claude Cotlar	Unopposed
6. Camilo Antonio Caridad	Connie Williams	Unopposed
7. Cesar Ramon Flores	Robert A. Jones	
8. Cristian Rebolledo	Robert Fickman	Unopposed
9. Willie James Craig	Needs Counsel	
10. Navonte Keltrone White	Needs Counsel	
11. Alejandro Guerra-Balleaza	James Alston	Unopposed
12. Eliseo Garza-Lopez	Charles Banker III	Unopposed
13. Carlos Herrera-Diaz	David Paz	Unopposed
14. Jesus Gerardo Martinez	Javier O. Martinez	Unopposed
15. Maria Delpilar Gomez-Rodriguez	Baldemar Zuniga	Unopposed
16. Roswell Ozuna Anzaldua	Ricardo Perez	Unopposed

17. Juan Francisco Maldonado	Walter McNab Miller IV	Unopposed
18. Odwin Dodanim Pena	J. Gordon Dees	
19. Carlos Omar Pena-Vargas	Chip Lewis/Letitia Quinones	Unopposed
20. Rodrigo Celis-Almada		Fugitive
21. Martin Gerardo Lopez	Windi Pastorini	Unopposed
22. Victor Hugo Gomez	Attorney Unknown	
23. Emilio Ramon Torres	John Riley Friesell	Unopposed
24. Joe Roy Cockerham	David Isaak	Unopposed
25. Tavis Lamar Miller		Fugitive
26. Larry James Williams	L. Jeth Jones III	Unopposed
27. Edwin Manual Vizcaino	Anthony Troiani	Unopposed
28. Awni Minaya	Brandon G. Leonard	Unopposed
29. Carlos Jovanni Pena Jr.	Brian S. Laviage	Unopposed
30. Maria Delcarmen Hernandez	Chukwudi Egbuonu	
31. Deither Osvaldo Tijerina		Fugitive
32. Anthony Ramone Compton	David Allen Nachtigall	Unopposed
33. Gerardo Garcia	Juan L. Guerra	Unopposed
34. Miriam Alvarez	Joel H. Bennett	
35. Maria Guadalupe Garcia		Fugitive
36. Carlos Lizardi Del Valle	Robert G. Turner	Unopposed
37. Alfonso Martinez	Greg Gladden	Unopposed
38. Franklin Ernesto Martinez	Edward Peter Sillas	Unopposed

39. Eliezer Castillo-Martinez	Dustan Orlando Neyland	Unopposed
40. Alex Castillo	Alejandro Macias	Unopposed
41. Moises Campos-Espinosa	Lindsay R. Lopez	Unopposed
42. Richard David Ortiz	Lance Nguyen	Unopposed
43. Daneri Saet Maldonado-Guillen	Marcos Adroque	Unopposed
44. Rodrigo Rodriguez	Needs Counsel	
45. Keila Josefina Palomo	Needs Counsel	
46. Dimitrius Peterson	Grant Hardeway Sr.	
47. Louis Ybarra	Needs Counsel	
48. Rene Francisco Pena	Heriberto Medrano	Unopposed
49. Darrell Breedlove	Patrick F. McCann	
50. Kenneth Roy Johnson	R. Christopher Goldsmith	Unopposed
51. Corey Eugene Lovell	Nicole DeBorde	
52. Juan Gonzales-Cardebas	Mary E. Conn	
53. Oscar Hernandez-Cervantes	Eric Reed	
54. Rolindo Hernandez		Fugitive
55. Gustavo Jiminez	Ron Johnson	
56. Elmer Alexander Machado	Lance Hamm	Unopposed


 KENNETH A. CUSICK
 Assistant United States Attorney

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ORDER PERMITTING DISCLOSURE OF TIII DOCUMENTS
PURSUANT TO PROTECTIVE ORDER

IT IS ORDERED that attorney for the United States may allow counsel for each defendant to review copies of the applications, affidavits, court orders, and reports, as well as intercepted wire and electronic communications, and transcripts of such communications, pertaining to the above-referenced cause.

IT IS FURTHER ORDERED that the content of any applications, affidavits, orders, recordings, and other documents related to this matter, and the contents of any duplicate recordings of the intercepted conversations and transcripts of intercepted conversations, or other recording made in connection with this case now made available by the United States to the defendants and their attorneys, shall not be discussed with or disclosed to anyone other than the named defendants and their counsel, or the staff of their counsel (full time assistants and attorneys formally associated with the law firm), except upon the express authorization of this Court, and further that under no circumstances shall copies be provided to any defendant or left at any detention facility for a defendant to review.

IT IS FURTHER ORDERED that the above-mentioned applications, affidavits, Court Orders, and reports, as well as the contents of duplicate recordings and transcripts made therefrom, remain sealed.

IT IS FURTHER ORDERED that any attorney receiving the above-described items not disclose any information therein other than to prepare for trial and for the defense of his/her client. FURTHERMORE, IT IS ORDERED that all materials provided by the government to the attorney for each defendant shall be returned to the United States at the conclusion of that defendant's case by the respective defendant's attorney.

Signed in Galveston, Texas, on this the ____ day of April, 2019.

HONORABLE GEORGE C. HANKS JR.
UNITED STATES DISTRICT JUDGE